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DOCKET NO. 31888/5 US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): ANDRUS, David et al.
Serial No.: 10/046,418 Art Unit: 2164
Filed: October 29, 2001 Examiner: Not Yet Known
Conf. No.: 2090
Title: DEBT FINANCING FOR COMPANIES

Commissioner For Patents
Washington, D.C. 20231

**RESPONSE TO NOTICE TO
FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

In response to the Notice To File Missing Parts Of Nonprovisional Application dated March 11, 2002, enclosed herewith are an executed Declaration and Power of Attorney and six sheets of substitute drawings. Also enclosed herewith is a check in the amount of \$65 in payment of the surcharge required by the Notice To File Missing Parts and a copy of the Notice to File Missing Parts.

Applicants note that the Notice To File Missing Parts indicates that FIG. 4 of the drawings was not received by the Patent Office. Applicants previously filed a Petition to accept the missing drawing on March 21, 2002. Accordingly, applicants have taken option I set forth in the Notice To File Missing Parts.

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The Director is hereby authorized to charge any deficiencies in the surcharge due and/or any other fee(s) due in connection with this case, or to credit any overpayment of any fee(s) due in connection with this case, to Deposit Account No. 50-0324. A duplicate copy of this paper is enclosed.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
Washington, D.C. 20231

on April 26, 2002.

Typed or printed name of person signing this certificate:

Matthew T. Byrne

Signature:

Respectfully submitted,

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/046,418	10/29/2001	David Andrus	31888/SUS

26155
SHEARMAN & STERLING
INTELLECTUAL PROPERTY DOCKETING
599 LEXINGTON AVENUE
NEW YORK, NY 10022

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CONFIRMATION NO. 2090
FORMALITIES LETTER

OC000000007610468

Date Mailed: 03/11/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been omitted from the application:

- Figure(s) 4 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and

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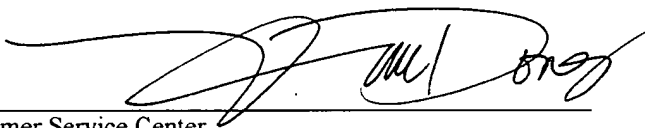
\$130.00 petition fee (37 CFR 1.17(h)) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE